IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.617 OF 2006

Narendra Kumar Jagpatiram & Ors. ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr.M.V.Holmagi for the Petitioners
Mrs. A.S. Pai, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 15TH SEPTEMBER, 2006

P.C.

1. The Petitioners have sought declaration and orders of this Court that Crime No.102/62/06 which is registered against the Petitioners for having committed offence under Sections 498-A, 306 r.w. 34 of Indian Penal Code by Ambernath Police Station be quashed and set aside.

2. The main contention of the Petitioner is that the complainant in the case is not his wife.

3. In view of the fact that the Police has registered offence against the Petitioner, it will be proper that the Police conclude the investigation and file report as expeditiously as

possible. In so far as the contention of the Petitioner that the complainant is not his wife is a matter of defence which can always be taken before the trial Court in case of Police files the charge-sheet against the Petitioner. Therefore, we do not find any merits in the Petition, hence Petition dismissed.

4. Inspite of the Court disposing of the Petition Mr. Holmagi the learned Counsel submits that he has not been heard properly. Mr. Holmagi submits that the Police are in the habit of taking law in their hands and they have been protected by all concerned. Mr. Holmagi submitted that rich and powerful persons can marry number of time and can have number of wives, the Petitioner cannot be blamed for marrying second time, but on the contrary he says that the Petitioner has not at all married the lady at whose instance the complaint is lodged. Mr. Holmagi submits that he does not want to argue further in the matter and only seek liberty of this Court to file a fresh Writ Petition. In our view the Petitioner's liberty cannot be taken away by this Court which is available to him under the law.

5. We were required to note down all the contentions so that Mr. Holmagi, who also happens to be President of City Civil Court Bar Association should not be under impression that he was not heard. Mr. Holmagi holds a very esteemed Office and that is why this Court is required to give him the respect he

deserves and also expects him to conduct in the manner befitting the office he hold so to maintain dignity and decoram of the Court.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)